

REMARKS

By virtue of this amendment claim 1-42 are pending in this application. No new matter has been added by this amendment and response.

In the May 4, 2004 office action, the Examiner rejected claims 1-39 under 35 U.S.C. § 103(a) as being unpatentable and obvious over United States Patent Number 5,271,101 ("Speth et al.") in view of United States Patent Number 2,941,557 ("Roseman"). The applicant respectfully traverses the rejection.

In particular, amended claim 1 recites a combination of elements including, for example, "a panel of a stretchable material comprising a first edge, said first edge being sealed, a second edge overlapping said first edge of the panel forming an overlapping region, said panel being bonded in at least a portion of said overlapping region via an overlapping bonded seam, said second edge being sealed," which is not disclosed or suggested by either Speth et al. or Roseman.

In the office action, the Examiner suggests that Speth et al. disclose stretchable athletic shorts, but admits Speth et al. does not disclose bonding the seams of the shorts. Speth et al. in fact discloses conventional stitched seams. Because Speth et al. discloses stitched seams, it cannot possibly disclose a sealed edge for a bonded seam.

The Examiner refers to Roseman for the teaching of bonded seams, but Roseman does not cure the defect of Speth et al. referred to above. As an initial matter, the seams of Roseman relate to what the present application defines as non-structural seams, unlike the seams in the present invention and the stitched seams of the Speth et al. reference, which are structural seams. Therefore, it is questionable whether one of ordinary skill in the art would refer to the non-structural seams of Roseman to combine modify the structural seams of Speth et al.

Be that as it may, however, Roseman does not disclose sealing the edges to form the bonded seams. In fact, Roseman is silent regarding the edges of the panels forming the seam. The seam in Roseman similar to the stitched seam in Speth et al. appears to be formed of conventionally cut fabrics. Conventionally

cut fabrics have unfinished edges, *i.e.*, frayed edges. To eliminate the fray aspect from the garment, the edges are folded and attached.

As disclosed in the present application, the panels are cut cleanly to provide smooth even surfaces that do not fray, such as, for example, by using a laser cutter. See original application page 6, lines 14-20. Providing non-fraying edges such as by a laser cutter (or sealed edges), prevents the fabric edge from unraveling.

Thus, as explained above, claim 1 is patentably distinct from either Speth et al. or Roseman either alone or in any reasonable combination thereof. Thus, the applicant respectfully requests the withdrawal of the pending rejection and the allowance of claim 1.

Claim 2-19, and 40 depend either directly or indirectly from claim 1 and, by virtue of the dependency, are also patentably distinct from either Speth et al. or Roseman either alone or in any reasonable combination thereof. Thus, the applicant respectfully requests the withdrawal of the pending rejection and the allowance of claims 2-19, and 40.

With specific regard to claim 4, claim 4 recites a combination of elements including, for example, “a minimum radius of curvature of at least about 4 centimeters,” which is not disclosed or suggested by the references. In fact, neither Speth et al. or Roseman mention minimum radius of curvature. Thus, for at least this additional reason, claim 4 is patentably distinct from either Speth et al. or Roseman either alone or in any reasonable combination thereof. Thus, the applicant respectfully requests the withdrawal of the pending rejection and the allowance of claim 4 for this additional reason.

Amended claims 20 and 28 contain limitations similar to amended claim 1 and, by virtue of this similarity, are patentably distinct from either Speth et al. or Roseman either alone or in any reasonable combination thereof. Thus, the applicant respectfully requests the withdrawal of the pending rejection and the allowance of claims 20 and 28.

Claims 21-27, and 29-39, 41, and 42 depend directly or indirectly from claims 20 and 28; and, by virtue of this dependency, are patentably distinct from

either Speth et al or Roseman either alone or in any reasonable combination thereof. Thus, the applicant respectfully requests the withdrawal of the pending rejection and the allowance of claims 21-27, and 29-39, 41, and 42.

Claims 23 and 35 contain limitations similar to claim 4 above and, by virtue of this similarity, are patentably distinct from either Speth et al or Roseman either alone or in any reasonable combination thereof for at least this additional reason. Thus, the applicant respectfully requests the withdrawal of the pending rejection and the allowance of claims 23 and 35 for at least this additional reason.

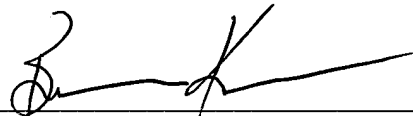
Finally, new claims 40-42 recite a combination of elements including, for example, "a laser," which is not disclosed or suggested by Speth et al. or Roseman. Thus, claims 40-42 are patentably distinct from either Speth et al or Roseman either alone or in any reasonable combination thereof. Thus, the applicant respectfully requests the withdrawal of the pending rejection and the allowance of claims 40-42.

Reconsideration and allowance of this application is respectfully requested.

If an extension of time under 35 C.F.R. § 1.136 is required to obtain entry of this Amendment, such an extension is requested. If there are fees due under 37 U.S.C. §§ 1.16 or 1.17 which are not otherwise accounted for, please charge our Deposit Account No. 08-2623.

Respectfully submitted,

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Brian Kinnear
Registration No. 43,717
ATTORNEY FOR APPLICANTS

HOLLAND & HART LLP
555 17th Street, Suite 3200
Post Office Box 8749
Denver, Colorado 80201-8749
Telephone: (303) 295-8170
Facsimile: (303) 295-8261